

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 34-45 and 50 were pending. Claims 34-45 and 50 were rejected. The Abstract and a portion of drawings were objected.

In this response, claims 1-33, 42, and 46-48 have been canceled without prejudice. Claims 34-41 and 43-45 have been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. In addition, new claims 51-57 have been added. Furthermore, the Abstract and a portion of the drawings have been amended. No new matter has been added.

Claims 34-41 and 44-45 are rejected under 35 U.S.C. 101 as being directed to the same inventions as that of claims 1-9 of commonly assigned U.S. Patent No. 6,889,935 to O'Dwyer ("the O'Dwyer '935 patent").

In view of the foregoing amendments, it is respectfully submitted that the rejection has been overcome. Specifically, independent claims 34 and 45 have been amended to include limitations of claim 42. It is respectfully submitted that the O'Dwyer '935 patent fails to claim the controller having one or more sensors and a processor to perform certain operations as recited in the amended independent claims 34 and 45. Thus, the present invention as claimed is directed to a different invention as claimed in the O'Dwyer '935 patent.

Claims 42, 43 and 50 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of the O'Dwyer '935 patent in view of U.S. Patent No. 4,676,167 to Huber, Jr., et al.

Without admitting that the nonstatutory obviousness-type double patenting rejection is correct on the merits, a terminal disclaimer has been submitted herein to overcome the rejection.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call/email the undersigned attorney.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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